

**FILED**

JUN 17 2011

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 BARRY J. PORTMAN  
Federal Public Defender  
2 VARELL L. FULLER  
Assistant Federal Public Defender  
3 160 West Santa Clara Street, Suite 575  
San Jose, CA 95113  
4 Telephone: (408) 291-7753

5 Counsel for Defendant MENDEZ-CEBALLOS

6  
7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9 SAN JOSE DIVISION

10  
11 UNITED STATES OF AMERICA, )

12 Plaintiff, )

13 vs. )

14 ELIODORO MENDEZ-CEBALLOS, )

15 Defendant. )

No. CR 10-00690 EJD

**EJD**  
STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING HEARING TO  
JULY 18, 2011, AND EXCLUDING TIME  
UNDER THE SPEEDY TRIAL ACT

16  
17  
18 **STIPULATION**

19 The parties, Eliodoro Mendez-Ceballos and the government, acting through their  
20 respective counsel, hereby stipulate, subject to the Court's approval, that the status hearing date  
21 currently set for June 20, 2011, be vacated and continued to July 18, 2011, at 1:30 p.m.

22 The reason for the requested continuance is counsel for the government has been  
23 unavailable due to a medical emergency and the parties require additional time to complete their  
24 settlement discussions, as well as both counsels need to effectively prepare. Additionally,  
25 defense counsel's investigation with respect to issues relevant to those settlement discussions  
26 remains on-going,

Stipulation and [Proposed] Order Continuing  
Hearing  
No. CR 10-00690 EJD

1 Accordingly, the parties agree and stipulate that time should be excluded from June 20,  
 2 2011, through and including July 18, 2011, under the Speedy Trial Act, 18 U.S.C. §  
 3 3161(h)(7)(A) and (B)(iv), for effective preparation and continuity of counsel. Accordingly, Mr.  
 4 Mendez-Ceballos and the government agree that granting the requested exclusion of time will  
 5 serve the interest of justice and the ends of justice outweigh the interest of the public and the  
 6 defendant in a speedy trial.

7 IT IS SO STIPULATED.

8 Dated: June 16, 2011

9 \_\_\_\_\_/s/  
 10 VARELL L. FULLER  
 Assistant Federal Public Defender

11 Dated: June 16, 2011

12 \_\_\_\_\_/s/  
 13 BRADLEY D. PRICE  
 14 Special Assistant United States Attorney  
 15  
 16  
 17  
 18

//  
 //  
 //  
 //  
 //  
 //  
 //  
 //

**[Proposed] ORDER**

19 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY  
 20 ORDERED that the status hearing currently set for June 20, 2011, shall be continued to July 18,  
 21 2011, at 1:30 p.m.

22 THE COURT FINDS that failing to exclude the time between June 20, 2011, and July  
 23 18, 2011, would unreasonably deny the government continuity of counsel, and would  
 24 unreasonably deny counsel the reasonable time necessary for effective preparation, taking into  
 25 account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

26 THE COURT FURTHER FINDS that the ends of justice served by excluding the time

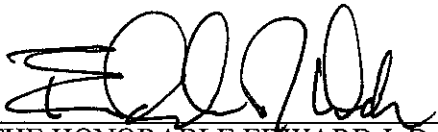
1 between June 20, 2011, and July 18, 2011, from computation under the Speedy Trial Act  
2 outweigh the interests of the public and the defendant in a speedy trial.

3 THEREFORE, IT IS HEREBY ORDERED that the time between June 20, 2011, and  
4 July 18, 2011, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §  
5 3161(h)(7)(A) and (B)(iv).

6 IT IS SO ORDERED.

7  
8 Dated:

9  
10 6/17/11

11   
12 THE HONORABLE EDWARD J. DAVILA  
13 United States District Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26